

WorkSource System Policy 1018 (Political Activity Restrictions and Disclosure Requirements) – Public Comment and WSID Responses

October 5, 2012

Name	Entity	Comments	WSID's Response
Marlena Sessions	Seattle-King WDC	<p>The new policy offers greater clarity and is more concise than before which is appreciated. We have two questions:</p> <p>Are WDCs required to establish a local policy on political activities and lobbying?</p>	<p>WDCs are not required to establish a new policy. Language has been added to the policy (and within the action statement) to clarify WDCs’ responsibility to implement the requirements of the policy, which may include issuing new local guidance and/or updating existing guidance to ensure compliance among all entities within the auspices of WorkSource or within the WorkSource environment.</p>
Marlena Sessions	Seattle-King WDC	<p>We would like to clarify that the statement we currently have in our contracts’ General Conditions is still acceptable. As you see below, we currently state that certification of compliance and disclosure of lobbying activities must be available on request. But is the new policy requiring that the contractor agree to the certification statement up front and take the initiative to send us a disclosure whenever they participate in lobbying activities, even if we don’t request the info?</p> <p><u>LOBBYING ACTIVITIES</u> <i>The Contractor shall make available upon request certification of compliance with 29 CFR 93 regulations, which restrict lobbying. The Contractor shall also make available upon request required disclosure information if the Contractor participates in lobbying activities during the Grant period.</i></p>	<p>The certification and disclosure requirements found at 29 CFR Part 93 (also part of WIA contract agreements) require a disclosure form to be completed and submitted to the agency. The intent is for the contractor to certify up front to ensure compliance with the restrictions and to disclose to the WDC anytime other funds are utilized for political activities. The WDC would then be responsible for disclosing this information to ESD. Language has been added to the policy to clarify this requirement.</p>
Dave Petersen	North Central WDC	<p>Can you clarify the meaning of "partners" in section 3. Policy? To paraphrase, it states Staff and partners of federal recipients are prohibited from spending federal money for political activities.</p> <p>For example, DVR and CAC are partners that receive federal funds from Ed or HHS & HUD. Does this policy make me responsible to police their political activities?</p> <p>Service Alternatives is a partner that receives no federal funds. Are they prohibited from engaging in political activities because they're party to the MOU?</p>	<p>Entities that do not receive federal funds, including but not limited to WorkSource partners, are also prohibited from participating in political activities when these activities take place under the auspices of the WorkSource system or within its environment (i.e. at a WorkSource Center or Affiliate Site or in the service delivery environment of WorkSource).</p> <p>As part of its oversight responsibility, WDCs must ensure there is an expectation that all entities operating or providing services within the local WorkSource system comply with this policy. WDCs are not expected to regulate these entities’ activities that occur outside of the WorkSource System.</p> <p>WDCs must implement this policy and should develop local guidance to reflect the requirements contained within this policy. If local guidance currently exists, WDCs should review and update existing guidance as appropriate to ensure compliance.↗</p> <p>WDCs should consider utilizing the following options to ensure compliance:</p> <ul style="list-style-type: none">• Incorporating assurances in grants and contract documents for any sub-recipient funding disbursements;• Issuing comments/findings in sub-recipient monitoring reports if there are any issues noted.
Gay Dubigk	Northwest WDC	<p>The purpose section states “federal funds” but the background section states “federal and state funds.”</p>	<p>WSID edited the policy to consistently say “federal and state funds.” The following reference was added to further clarify this requirement: RCW 42.17A.635 “no public funds may be used directly or indirectly for lobbying.”</p>

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Gay Dubigk	Northwest WDC	Under the opening paragraph of the Policy Section: delete “and partners.” Seems outside the scope and jurisdiction of ESD.	As mentioned above, entities that do not receive federal funds, including but not limited to WorkSource partners, are also prohibited from participating in political activities when these activities take place under the auspices of the WorkSource system or within its environment (i.e. at a WorkSource Center or Affiliate Site or in the service delivery environment of WorkSource).
Gay Dubigk	Northwest WDC	Under the definition of “Organization that Receive Federal Funds”: Cooperative agreements are not a funding mechanism. N/A. Delete “and WorkSource Partners” Outside the scope and jurisdiction of ESD.	For the purpose of this policy, cooperative agreements are included as a mechanism that could link entities to the federal funding source. This is consistent with the language 29 CFR Part 93 Appendix A regarding certification and disclosure.